

Bureau of Reclamation Lapse in Appropriation Contingency Plan

Overview

Reclamation has identified excepted personnel¹, excepted support personnel, on-call excepted personnel², and additional non-excepted staff required to support activities that will continue using non-appropriated funds.

Part 1: Designation of Excepted Programs/Activities

Most Reclamation activities that rely on appropriated funds will be suspended. This contingency plan focuses on the performance of Executive Branch excepted functions during all-hazards emergencies or other situations that may disrupt normal operations. Excepted employees are exempted from furlough because of the following:

- Presidential Appointees confirmed by the Senate and certain IPA assignments.
- Employees performing emergency work involving the safety of human life or the protection of Government property.
- Employees involved in the orderly suspension of agency operations.
- Employees performing other functions exempted from furlough.

Also deemed as excepted personnel during short term lapse in appropriations are Reclamation employees necessary to ensure that the private economy is uninterrupted. This determination directly applies to personnel in the category of compliance, inspection and enforcement and encompasses Reclamation employees involved in the delivery of Water and Power in the West (17 Western States); to Mexico and Canada, which is a primary mission essential function of the Department.

Part 2: Designation of Excepted Personnel:

Reclamation identified a total of 1,066 excepted personnel and staff that would be retained during a lapse in appropriations. Of these personnel, 30 percent (316 people) are funded by appropriated sources and 70 percent (750 people) are funded by non-appropriated sources. This number of excepted personnel is approximately 20 percent of the 5,340 Reclamation employees.

While these personnel are required to perform essential functions, additional personnel have been identified as *on-call excepted personnel* that may be needed to support essential functions during furlough operations. On-call excepted employees³ are those additional employees subject

¹ Excepted employees are defined as “Category One” personnel identified in a Memorandum issued by the U.S. Department of the Interior, Office of Human Resources during the Continuing Resolution period of this operation (memorandum undated) and those personnel deemed excepted by their role in water and power delivery.

² On-Call excepted employees are defined as “Category Two” personnel identified in a Memorandum issued by the U.S. Department of the Interior, Office of Human Resources during the Continuing Resolution period of this operation (memorandum undated). All C2 employees will be issued a furlough letter and are subject to recall based on the status of essential projects at the time of furlough.

to furlough and are placed in a non-duty, non-pay status but are placed in an on-call, availability status based on the needs of Reclamation and may need to be contacted and ordered to report to duty in certain situations. These employees are:

- Emergency firefighters
- Employees performing temporary essential functions.

On-call excepted personnel are needed to address the dynamic nature of the Reclamation workload or to respond to potential emergencies involving protection of property or life safety. Reclamation reserves the ability to call this minimum number of personnel in to duty if the situation requires. Reclamation will continue to review the information to ensure consistency between the regions and the Denver Office directorates in identifying their excepted personnel and those personnel funded with non-appropriated funds. Reclamation's Budget Office will be monitoring availability of funds prior to and throughout furlough operations to ensure Reclamation's essential functions can be supported during Government shutdown.

Reclamation has also determined that non-excepted personnel funded by non-appropriated funding sources will also remain operating during a Government shutdown and are exempted from furlough.

In summary, within the Washington Office, 17 excepted employees would be exempt from furlough, including the Commissioner, the Deputy Commissioners for External and Intergovernmental Affairs, Operations, and Policy, Administration and Budget, and limited personnel to support budget and other administrative support functions.

The 64 excepted employees in Denver will include administrative support functions necessary to meet essential functions of Reclamation such as staffing for security, safety and law enforcement for Reclamation's facilities, financial management, IT, contracting and emergency management.

The remaining excepted employees are located throughout Reclamation's five regions (including Regional, Area and Facility Offices) will be performing essential functions as well as providing minimal support functions.

Total Excepted Personnel: 1,066 (20% of Reclamation employees are necessary to protect life and property and continue water and power delivery which are paid from a combination of Appropriated and Non-Appropriated sources.)

Excepted Personnel using FY2011 Appropriations: 316 (30% of Excepted Personnel are funded by FY 2011 appropriation.) These are the minimum number of personnel necessary for the protection of life and property, those involved in water and power delivery and their support staff. These personnel are broken down further into three categories below.

Life/Property Protection: Those employees who are to be retained during furlough needed to protect life and property (Reclamation MEF #1-7, MEF #2-1, MEF #2-9, MEF #2-10) and are not otherwise exempt: 153

- Washington Office: 0
- Denver Office: 23
- GP: 9
- UC: 7
- LC: 13
- MP: 16
- PN: 85

Law Enforcement: Reclamation has no employees who are engaged in military or direct provision of health care activities. Reclamation has 34 law enforcement personnel involved in life and property protection, breakdown by office as follows:

- Washington Office: 0
- Denver Office: (SSLE) 9
- GP: 0
- UC: 0
- LC: (Estimate – Hoover PD) 25
- MP: 0
- PN: 0

Water/Power Delivery: Those employees who are to be retained during furlough needed for water and power delivery or excepted support staff: 129

Excepted Personnel using Non-Appropriated funding: 750 (70% of the Excepted Personnel funded through non-appropriated sources who are also needed for life and property protection or for water and power delivery.) These personnel are broken down into categories by funding source.

Personnel on Carryover: 306

Personnel on Mandatory: 110

Personnel on Multi-year funding: N/A

Other: 334

Total personnel who are Non-Excepted who are funded by Non-Appropriated sources: 600

Total Personnel (both excepted and non-excepted) using Non-Appropriated funding: 1,360

Total Personnel on Furlough (5,340-1,066-600): 3,674 (69% furloughed)

Total # of Excepted Personnel at start of furlough: 1,066

SUMMARY

A summary of the specific breakdown of excepted personnel by office is provided below.

Washington Office

Total Personnel: 71

Total Excepted Personnel (C1): 17 (100% Non-Appropriated – all Carryover funded)

- Commissioner - 3
- Deputy Commissioner External & Intergovernmental Affairs - 3
- Deputy Commissioner Operations - 1
- Deputy Commissioner Policy, Administration and Budget- 8
- Administrative Services - 2

Personnel Furloughed: 54

Total On-Call Excepted Personnel (C2): 18

Funding Source: Policy and Administration (P&A)

Denver Office

Total Personnel: 892

Total Excepted Personnel (C1): 62

- Management Services Office - 11
- Security, Safety and Law Enforcement Office - 18
- Chief Information Officer - 14
- Technical Resources - 15
- Policy and Administration - 4

Total Excepted Personnel using Appropriated funds: 37

Total Excepted Personnel using Non-Appropriated funds: 25

Carryover: 24

Reimbursable: 1

Total On-Call Excepted Personnel (C2): 703

- Management Services Office - 103
- Security, Safety and Law Enforcement Office - 20
- Chief Information Officer - 66
- Technical Resources - 468
- Policy and Administration - 46

Personnel Furloughed: 830

Funding Source: P&A, Working Capital Fund (WCF), Water and Related Resources (WRR),
Direct Charge

Great Plains Region

Total Employees: 652

Total Excepted Personnel (C1): 199

Appropriated: 170

Non-Appropriated: 29

P&A: 5

Working Capital: 18

ARRA: 6

On-Call Excepted Personnel (C2): 453

Total Personnel funded by Non-Appropriated means: 29

Excepted: 29

Non-Excepted: 0

Personnel Furloughed: 453

Funding source: Primarily WRR with limited P&A and WCF

Lower Colorado Region

Total Employees: 882

Total Excepted Personnel: 332

Appropriated: 0

Non-Appropriated: 332

P&A: 6

WCF: 100

ARRA: 24

Carryover: 202

On-Call Excepted Personnel (C2): 26

Appropriated: 13

Non-Appropriated: 13

Total Personnel funded by Non-Appropriated funds: 332

Excepted: 332

Non-Excepted: 0

Personnel Furlough: 550

Funding source: WCF, P&A, LCROP, Hoover/WTR Sch; WRR, Central Arizona Project, EES,
ARRA

Mid-Pacific Region

Total Employees: 1,093

Total Excepted Personnel (C1): 172

Appropriated: 81

Non-Appropriated: 91

WCF: 36

P&A: 2

Customer Funded: 53

On-Call Excepted Personnel (C2): 10

Non-Appropriated:

Mandatory: 10

Total Personnel funded by Non-Appropriated means: 220

Excepted: 91

Non-Excepted: 129

Personnel Furloughed: 792

Funding source: WCF, WRR, Customer Funding

Pacific Northwest Region

Total Employees: 1,036

Total Excepted Personnel (C1): 226

Appropriated: 25

Non-Appropriated: 201

Mandatory: 109.5

Carryover: 33.5

Customer Funded: 57

Reimbursable: 1

On-Call Excepted Personnel (C2): 174

Appropriated: 77.5

Carryover: 51

Customer Funded: 11

Non-Appropriated: 34.5

Total Personnel funded by Non-Appropriated means: 511

Excepted: 201

Non-Excepted: 310

Personnel Furloughed: 500

Funding source: P&A; Bonneville Power Administration (BPA); WRR; ARRA; WCF; Revenue from Customers

Upper Colorado Region

Total Employees: 714

Total Excepted Personnel (C1): 56

Appropriated: 0

Non-Appropriated: 56

Carryover: 47

Customer Funded: 8

Reimbursable: 1

On-Call Excepted Personnel (C2): 62

Carryover: 57

Customer Funded: 5

Total Personnel funded by Non-Appropriated means: 217

Excepted: 56

Non-Excepted: 161

Personnel Furloughed: 497

Personnel on Multi-year funding: N/A

Funding source: P&A, WCF, WRR, Reimbursable, Power Revenues.

Part 3: Activities/Personnel that would continue:

Reclamation will continue to operate non-appropriated, mandatory, or customer funded programs such as the operation of Hoover and Grand Coulee Dams.

Examples of mandatory programs include:

- Colorado River Dam Fund (CRDF), Reclamation Act of 1902 (32 Stat. 388), Boulder Canyon Project Act of 1928 (43 U.S.C. 617 et seq.), Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 et seq.), Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.), Colorado River Basin Project Act of 1968 (43 U.S.C. 1501 et seq.), and Hoover Power Plant Act of 1984 (98 Stat. 1333).
- Boulder Canyon Project (Hoover) Boulder Canyon Project Act [Public-No. 642-70th Congress] [H. R. 5773]
- Miscellaneous Permanents
- Trust Funds
- Federal Lands Recreation Enhancement Act, P.L. 108-447, section 884, Dec. 8, 2004
- Loan Liquidating Account
- San Joaquin River Restoration Fund (P.L. 111-11, March 2009)
- Red Bluff Fish Passage Improvement Project Central Valley Project Improvement Act of October 30, 1992, Public Law 102-575, (CVPIA) Section 3406 (b) (10)

Examples of revenue-financed programs include but are not limited to:

- Lower Colorado Basin Development Fund (LCBDF) – Revenues: section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543)
- LCBDF – Revenues-AWSA: section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543)
- Upper Colorado Basin Development Fund (UCRBF) – Revenues: section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543)

Programs funded by P&A, WRR, WCF etc. will operate with excepted personnel only and will be funded by carryover.

Part 4: Additional Information:

1. The estimated number of employees who will be retained (i.e. not furloughed) whose compensation is financed by a resource other than annual appropriations: Excepted Non-Appropriated (750) + Non-Excepted Non-Appropriated (600) = 1,350 Total
- 2a. An estimate of the time (to the nearest half-day) to complete the shutdown:
 - Washington Office: ½ day
 - Denver Office: ½ day most employees, 3 days for those involved with contracting.
 - GP: ½ day
 - UC: ½ day (90% of Furlough Employees), 2 days (for remaining 10%)
 - LC: ½ day
 - MP: ½ day
 - PN: ½ day
- 2b. The number of employees expected to be on-board before implementation of the plan: 5,340
- 2c. The total number of employees to be retained under the plan based on the calculation of the employees in the categories described above: $1,350 + 187 = 1,537$
3. Total number of employees at start of furlough: (C1) + non-excepted/non-appropriated:
 $1,066 + 600 = 1,666$
4. Total number of employees for long term (continued operations) furlough (C1 + C2):
 $1,066 + 435 = 1,501$ (28% of Reclamations workforce)

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Part 5: Furlough Operations Plan

Reclamation will conduct the lapse of appropriations operations in three phases:

1. Orderly shutdown,
2. Minimal operations, and
3. Restoration of normal business activities.

Orderly shutdown

When the appropriations lapse, all Reclamation personnel should report to work under the conditions of their normal tour of duty unless they are told otherwise. In the absence of specific guidance they should report to conduct an orderly shutdown. It is expected this phase will take around 3 to 4 hours to complete. When employees complete their orderly shutdown, they will report to their supervisor for final instructions and then will leave the Government facility. Employees cannot volunteer to do Government work. Employees that have not been identified as excepted will receive furlough notices. Time and attendance information will be reported consistent with the status of each individual for tracking purposes.

Minimal operations

It is intended that only those personnel who are absolutely required to perform essential functions and essential support activities are to report for duty in the event of a lapse of appropriations. Excepted personnel will remain on duty in the event of a shutdown and will not be furloughed. Reclamation will maintain a capability to expand as needed (with persons on call) to meet emergency conditions and where feasible it will be done on part-time bases to minimize costs.

Restoration of normal business activities

Employees will be notified by their supervisors using telephone trees when and where to return to duty. Many offices also have employee status hotlines for employees to phone in to get the latest information on the status of their office operations. Information will also be posted on the Reclamation website.

Contracts

When addressing the following scenarios Reclamation considered the following guidance to develop the list of excepted personnel:

- For all essential contracts, financial assistance and PL 93-638 agreements that are fully funded or not, Reclamation will continue operations without a stop work order.
- For non-essential contracts, financial assistance and PL 93-638 agreements that are fully funded, there should be an evaluation/determination as to whether or not they should

continue operation without a stop work order. Part of that evaluation should include the level of non-excepted staff needed to support continued performance.

- For non-essential contracts, financial assistance and PL 93-638 agreements that are funded by appropriations through Continuing Resolutions up to the time of the lapse in appropriations, stop-work orders will be issued.

Volunteers

Voluntary services will not be accepted.

Travel and Relocation

In the absence of appropriations, all non-essential travel will be terminated. Offices should be prudent about arranging travel in anticipation of the expiration of the Continuing Resolution. Employees should be prepared to return to their duty station in a timely manner if there is a lapse in appropriations and this contingency plan is activated. Non-essential training travel should be cancelled.

Agency Funding Description

For purposes of developing a Lapse in Appropriations Contingency Plan, Reclamation's Incident Management Team defined the funding terms as follows:

Funding sources were broken out into two categories, 1) Appropriated; 2) Non-Appropriated.

Appropriated Funding:

Funding that is subject to the annual appropriations process. It was determined any programs or activities that are funded with FY 2011 Appropriations would cease operation if a lapse of appropriations occurred.

Non-Appropriated Funding:

Funding that is not subject to the annual appropriations process. This includes the following four funding categories which are not subject to the FY 2011 appropriation process. Personnel and activities funded in this manner could continue operating if a lapse of appropriations occurred. The four categories are defined as follows:

1) Mandatory:

Mandatory programs are required by law. (See Part 3: Activities/Personnel that would continue in the Contingency Plan for examples of mandatory programs.)

2) Carryover:

Funding left over, and available, from any FY 2010 or earlier appropriation funded program or activity.

3) Customer Funded:

Funding from revenues collected from BOR's Water and Power customers.

4) Reimbursable:

Funds that are reimbursed to Reclamation by clients/stakeholders for services provided to them, e.g., security costs.

Attachments

Acronyms

Acronyms

ARRA – American Recovery and Reinvestment Act
AWSA – Arizona Water Settlements Act
COOP – Continuity of Operations
CRDF – Colorado River Dam Fund
EES – Examination of Existing Structures
LCBDF – Lower Colorado Basin Development Fund
LCROP – Lower Colorado River Operations Program
MEF – Mission Essential Function
P&A – Policy & Administration
UCRBF – Upper Colorado Basin Development Fund
WCF – Working Capital Fund
WRR – Water & Related Resources
WTR Sch – Water Schedule